

September 13, 2017

Albert R. Axe, Jr.  
Winstead PC  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701

Re: San Jacinto River Waste Pits Superfund Site

Dear Al:

I am responding to your letter dated September 13, 2017, regarding your clients' concerns about the proposed sampling by the Environmental Protection Agency (EPA) at the Site. We again, dispute your assertion that the EPA sampling will cause a release. EPA is specifically designing the sampling protocol to avoid any loss of material to the surrounding water column. The intention of the sampling is to determine if material that is exposed in areas without the cap contain elevated concentrations of dioxins that may be harmful to the environment. Simply sampling material, as you state, that overlays intact areas of the cap will not answer this critical question.

As you have noted, your clients' technical representatives and the EPA are working to resolve a suitable methodology. I believe that a suitable approach will be worked out by the technical teams that will enable us to determine if the recent storm event has impacted the Site, such that waste material is exposed to the environment, and if immediate response is necessary.

Sincerely,

Carl Edlund, Director  
Superfund Division